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5 Attorney for Plaintiffs
Automattic Inc. and
6 Oliver Hotham

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 AUTOMATTIC INC. and
12 OLIVER HOTHAM,

13 Plaintiffs,

14 v.

15 NICK STEINER,

16 Defendant..

Case No. 3:13-cv-5413-JCS

**DECLARATION OF JOSEPH C. GRATZ IN
SUPPORT OF PLAINTIFFS' REQUEST FOR
ENTRY OF DEFAULT**

1 I, Joseph C. Gratz, declare as follows:

2 1. I am a partner with the law firm of Durie Tangri LLP, and I am one of the attorneys
3 representing Automattic Inc. and Oliver Hotham in the above-captioned matter. I have personal
4 knowledge of the facts set forth herein, and if called upon to testify, I could and would testify
5 competently and completely to the statements made herein.

6 2. Plaintiffs Automattic Inc. and Oliver Hotham filed their Complaint in this action on
7 November 21, 2013 against Nick Steiner. The complaint alleges that Steiner made knowing material
8 misstatements in a Digital Millennium Copyright Act (“DMCA”) takedown notice, violating 17 U.S.C. §
9 512(f).

10 3. Defendant was served with the summons and complaint on December 23, 2013. Plaintiffs
11 filed proof of service with this Court on January 21, 2014.

12 4. Defendant has not answered Plaintiffs’ Complaint or otherwise made an appearance to
13 defend himself within the 21 days that Federal Rule of Civil Procedure 12(a)(1)(A)(i) allows. In fact,
14 Defendant has not appeared or responded at all.

15 5. Therefore, Plaintiffs respectfully request that the Clerk of the Court enter default against
16 Defendant Nick Steiner.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 19,
18 2014 in San Francisco, California.

19 _____
20 */s/ Joseph C. Gratz*
21 JOSEPH C. GRATZ
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CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on May 19, 2014 with a copy of this document via the Court's CM/ECF system.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ